

REGULAR CITY COUNCIL MEETING

April 21, 2008

6:00 P.M.

Mayor Ronnie Torres called the Regular Meeting of the Belen City Council to order at 6:00 P.M.
Roll call taken by Audrey Torres, Procurement Specialist.

PRESENT:

Ronnie Torres, Mayor
Rudy Jaramillo, Councilor
Terese Ulivarri, Councilor
Wayne Gallegos, Councilor
David Lopez, Mayor Pro Tem

CITY STAFF:

Audrey Torres, Procurement Specialist
Mike Chavez, Police Chief

STUDENT LIASION:

Alexis Gutierrez

OTHERS:

Norman McDonald, P.A., City Attorney
Jackie Schlotfeldt, VCNB
Gilbert Tabet, Circle T
Jerah R. Cordova, Our Tomorrow
Dick & Evelyn Klapper, RCA
Frank P. Barr, Self
George Koch, Self
Dianne Mattson, Our Tomorrow
CJ Vissor, SFB
Marilyn Smith, SC
Mike Wood, Self
Mary Wood, Self
John Moan, Self
Louis Brunbaugh, Self
Vangie Gabaldon, Valencia County
Bill & Sally Netts, Rio Communities
Betty Luna
James E. Gutierrez
Don Pease, Gary
Gary Wimberly, Del Rio Plaza Flea Market @ River Road
Al Padilla, Hospital Restoration

Liz Sagrestiano, Hospital
Alice Kintzler, Hospital Interest
Joyce Peterson, Hospital Interest
Darrell Peterson, Hospital Interest
Faustino P Luna, Hospital Interest
Alice Chavez, Our Tomorrow
Albert Chavez, Our Tomorrow
Mary Ross, Our Tomorrow
Larry Robinette, Hospital Interest
Joan Robinette, Hospital Interest
Joe Bencomo
Paul Davidson
Christopher Navarro, Gary/self
Barbara Horton, Our Tomorrow

PLEDGE OF ALLEGIANCE:

Mayor Ronnie Torres asked Vangie Gabaldon to lead the pledge of allegiance.

APPROVAL OF AGENDA:

Mayor Ronnie Torres requested approval of tonight's agenda. Councilor Rudy Jaramillo so moved to approve. Councilor Wayne Gallegos seconds the motion, motion carried.

APPROVAL OF MINUTES:

Regular Meeting: April 7, 2008

Mayor Ronnie Torres requested approval of the minutes for April 7, 2008. Councilor Terese Ulivarri so moved to approve the minutes. Councilor Rudy Jaramillo seconds the motion, motion carried.

CITIZENS PETITIONS:

Mayor Ronnie Torres asked if there was anyone with a citizen petition, no further petitions were presented.

1. **Frank Barr:** said "he lives in Las Maravillas and is a resident of Valencia County, it's my understanding that the City of Belen supports the new hospital project in the location where it is. To that end I am here to support that effort, if I may, we have a form because of all the wrangling and everything that occurs up at the County Commission, we formed a group and collected petitions. We have 1,648 petitions in favor of the hospital. It is my intent tonight to give this council those petitions, however, or a copy of those petitions, however the verdict that is on there cause us to have to only give them, because people sign them in good faith, only give them to the County Commission. However, in support of this effort if you deem help that effort I have blank petitions that I can give to the

Council to collect signatures if you so wish. I speak for most of the people I know and everybody is for this hospital and I think it is great if the City of Belen can also put their political horsepower behind this effort and get everybody off the dime and get this hospital built. God knows we need it and thank you very much”.

2. **Mike Wood:** said “he lives in Las Maravillas you know I have heard that the vote was about 80% for the mill levy and what happened since then and how a law suit was filed because you can’t use money for something that is not there. Everything is a ploy and it is a joke, a twist on words, the people that voted for it, and probably everybody in this room, we knew there was not a hospital there that is why we voted for a mill levy. And then I hear from different people, come next week the 29th the Judge Olguin, the most procrastinating Judge I have ever seen, anyway she is going to rule on this, so I would expect we are going to get more delay. I am wondering if the City of Belen can’t unite with the people at Valencia County and sue the county commissioners because they are using our money and nothing is happening. That is all I have to say”.
3. **Dick Clapper:** said “I represent the Rio Communities Association and I too am asking the City Council for help in getting a hospital. I have been here a few times and with the County Commissioners a few times on annexation, incorporation I will not go down on this one, we need a hospital. I was rushed to a hospital and resuscitated when I got there, had that hospital been twenty minutes further I would not be here to ask for help. When people call 911 they need help then not to discuss it back and forth. I was at the County Commission meeting on Wednesday and it is the same thing I heard three years ago so we are just asking for a little more help because we need it, apparently”.
4. **Gilbert Tabet:** “I am here to represent Desi Loop up on the hill. A request has been, because we have a little for of all the neighbors there and we have meetings every month and a half and we are requesting getting that road fixed going up on the Mesa. It is about 250’ on the north side of the highway going up the hill and it is very dangerous. People will drive going up on the other lane to miss those terrible bumps that are there it is miserable. In the meantime you have to watch people coming down so you are not in their lane so then you have to bounce back if there are people there. I have been to meeting here before and one time they told me that when the airport does the improvements they would fix it and it has been better than a year and a half and nothing has happened with the airport, but somebody at this time of the day going up the hill the sun bears down on you eyes and there is no way to see if there is a car coming down and I hope the city can fix at least that particular part, I know you probably can’t afford to fix the whole thing but at least that part that is bad and I am afraid that someone is going to get killed. **Mayor Torres;** said we have designs that are almost completed now, we have looked at them and we are talking with some finance people to finance some things so that we can appropriate enough money for that. What we had done is that we talked to the Corps of Engineers and hoped that we would have received money last year, they told us that we would, we got some but the rest did not come through. **Gilbert Tabet** he was told the same thing a year and a half ago, but I think that if you can fix just that one part until you get your money it would be okay. That is all I have to say.”
5. **Gary Wimberly:** “had a couple of strokes and I come out of the hospital with back surgery so I may stumble a little bit. What I am here for is, on March 31st I went to the

planning and zoning commission pertaining to a flea market held at Del Rio Plaza. I come here to get the six month renewal and I get blindsided, I get all kinds of accusations, I ask for proof at the meetings and I was told to get my own and I did. I have got my copy of the police report that shows no activity whatsoever on my part but yet in the minutes it clearly stipulates numerous police reports, felony activity going on, drug activity going on, purses found in and about the area and different things like that. All these call ins don't pertain to you Gary it is the flea market, I am the flea market, thing is the people I have staying there on Friday thru Sunday night are the ones that called in to take care of the kids that were breaking windows and everything. Now they yanked my license on the 31st I went down to tell the guys they could not set up the following weekend and this is what they give me. "To whom it may concern re; flea market the following represents a list of 368 vendors friends and supporters petitioning for the continuance of the River Road Flea Market on April 5th and 6th various people from Valencia County, Bernalillo Count, and Socorro County convene at the River Road Flea Market at Del Rio Plaza Belen express their support for the River Road Flea Market and request Wimberly license be approved and restored for the River Road Flea Market by the Planning and Zoning and by Belen City Mayor and Council" (copy of letter given to Mayor Ronnie Torres). I am just trying to figure out where I am at on this, because I was told several different things, I could appeal it, then I couldn't appeal it, then yes then no. And finally they called me down and gave me an appeal notice and said it would cost me \$100.00 I could stay open. Okay then I go and start hanging my signs up two planning and zoning commissioner's drive by and I get a phone call you better not open up. So I went down and told the guys the could not open up, I did my job, the elected to stay there, they got the petition and stuff going on but what I am trying to figure out is "who is after who and why". **City Attorney, Norm McDonald** told Mayor Torres "Mr. Wimberlys' permit was denied by the Planning and Zoning and he has the right to appeal to this body I believe he is going to do so in a timely fashion, if so, you will be called upon at that occasion to pass upon the decision by Planning and Zoning and certainly you can receive materials at this meeting but you are going to be making a decision eventually on an appeal from Planning and Zoning". **Mr. Wimberly** said "I was told all these accusations that included police reports, drug activity, felony activity. I know this is public record and I asked for it and I was told we don't have to show you nothing get it yourself. So I went and got a copy of the police report. It is my background check and "nothing". And I want to know from you, because you are the City Attorney, why they gave me a piece of paper and told be right there in black and white, it says violations of city code and planning and zoning. I asked planning and zoning commissioners what I put there-none-but yet in this meeting it is all over it. What do I do? **Norman McDonald, City Attorney** said "you appeal to this body". **Mr. Wimberly** asked "what do I put there I am asking for your interpretation". **Mr. McDonald** advised he could not give him any advise he would have to contact his own attorney. **Mr. Wimberly** said "I know that but do you see where I am coming from. **Mr. McDonald, City Attorney**, said "you had a six month permit that was not renewed and now you are asking for another six month permit and it was denied and so you have your appeal rights". **Mr. Wimberly** said he has a license. **Mr. Norm McDonald** said yes you have a license to do business but under the zoning it was a six month permit". **Mr. Wimberly** said "granted sir it was a six month permit I come in and (unable to transcribe) have the paperwork here it says if you have any objection to show up in person if not send written notice to the objection and not one person in the audience got up and objected the only person that was objecting

was the Planning and Zoning Commissioner and two commissioners that sit on the end and those were the only ones that opened their mouth. And I asked them to tell me what was the context of your phone calls they did not tell me. **Mr. Norm McDonald** said that they voted and there will be a new proceeding. **Mr. Wimberly** said they should have given him an explanation as it is I had to get the records myself. I have something here and I don't know if you guys have a copy of it or not, did you? **Councilor Terese Ulivarri** advised it is not an action item so it is not here. **Mayor Ronnie Torres** said they did get his letter in their mail boxes. **Mr. Wimberly** said "I question you Mayor where do I go from here?" **Mayor Ronnie Torres** said "you follow the appeal process and when you do that you'll come back in front of us and at that time I guess you can bring all your information and we will make the decision then. **Mr. Wimberly** said "my question then is do I have to pay another \$150 for the six month hearing deal plus \$100 fee for the appeal. **Mayor Ronnie Torres** said you have to do for the appeal first then after that if the appeal goes in your favor and you do get to do the Flea Market again then I suppose you would have to do the six month conditional use permit, I think. **Mr. Wimberly** said with all the appeal process then I will be out of business until June. **Councilor Wayne Gallegos** said "he does have a right to due process and there is also a time limit and that is very important that he should know". **Mr. Wimberly** said "what I want to know is why somebody tells me one thing and somebody else tells me something and someone else something else, and what I am saying is that I have a right to stay open because I have already been proven guilty or at least until my appeal is heard. **Mr. Norm McDonald** said that was not the case he had a permit for six months and he can stay open until the last day of those six months. The hearing is to see whether or not you are going to be given a permit to stay open in that zone. **Mr. Wimberly** said "then what you are telling me is that a handful of people in planning and zoning can basically tell anybody they want "you are out of business". **Mayor Ronnie Torres** said "that those issues can be discussed at the time of the appeal". **Mr. Wimberly** said "I think I am being railroaded by the City of Belen and if we can't handle this locally we will handle this somewhere else, but I'd rather handle it locally.

6. **Jerah Cordova:** said "I am speaking on behalf of the community group Our Tomorrow for a better Belen. I am happy to see the council considering a resolution in support of healthy lives and healthcare. Tonight the council has the opportunity to tell the few people holding back the hospital "enough". The people of this County and this City are tired of progressive proposals like the county hospital being held up beat up and in the end shattered by one or two county commissioners and a few citizens. We don't have to put up with it, enough is enough. Health care is one of Valencia County's greatest needs. This is especially true of Belen and Rio Communities which has an aging population and seniors who move here to retire. People in Belen the east side and southern Valencia County can't let this hospital slip away. We have strength in numbers with nearly 80% of county residents supporting a hospital. I want to thank the Council and the Mayor for being on the same side as the people and for doing what it can to stand up for local health care. It is time to be selfless, it's time to be a political, it's time to build a county hospital.
7. **Mr. Al Padilla:** "Mayor, City Council, I never though I would come here to see you as a senior but I am a senior considering I have been married for 50 years this summer and we have been in business 50 years so that pretty well puts me in a senior category. I believe

what this gentleman said a while ago about having some problems with the hospital. In the last four years I have been rushed four times to the hospital and believe me I could have been stabilized within 15 minutes possibly 10 minutes if we would have had one some where close here. It is very painful and you could lose our life and I am sure somebody has had a relative that have lost someone because they could not get them there in time. I know recently there was an article where if a person has a stroke, if they can get to you between 10 and 15 minutes, they could set things straight and help you. Like my grandson, that's Jerah here, like you said 80% of the people voted very concerned, they did not haggle hanging around to see what was going to happen all we were thinking is that we need a hospital, we are going to get a hospital, and they passed it. I have to applaud them, it is needed there are seniors and young people that have problems, after 7 pm, I believe Presbyterian is only open until 7, after that we have no where to go. When I was on the council we asked several times to get a 24 hour urgent care center and it never happened. Here we have a perfect chance and you as councilors and mayor to pass this resolution, it is so important. We can't let this get away from us. I think this may have some impact on the judge that will be hearing the case on the 29th. We need the City of Belen to back the resolution. And I thank you very much."

- 8. Diane Mattson:** "I just think the City of Belen should send their blessings to the firemen who are fighting the fires throughout the state and especially to the Monzano Mountains and all those homes in jeopardy, and I would just like it on record.

Mayor Ronnie Torres asked if there were any more citizen petitions if none we will move to the next agenda item.

ACTION ITEMS

APPROVAL OF VALENCIA COUNTY BOARD OF COUNTY COMMISSIONERS SERVICE AGREEMENT WITH THE CITY OF BELEN TO PROVIDE FOR HOUSING OF IMPOUNDED ANIMALS AT THE VALENCIA COUNTY ANIMAL CONTROL CENTER: Chief Mike Chavez

Mayor Ronnie Torres read the next agenda item on approval of Valencia County Board of County Commissioners Service Agreement with the City of Belen to provide for housing of impounded animals at the Valencia County Animal Control Center as presented by Chief Mike Chavez who asked that the City Council approve the service agreement between the parties. He advised there was a strenuous compromise with them and the amount has gone up quite a bit but it all seems to work out with all the mandates from the State imposed on the shelter. The amount per month would be at a rate of \$2,811 or 33742.00 yearly. The amounts were negotiated because we were paying \$4848.00 per year but because of all the mandates, training and other things this was the best that could be done considering they were initially requesting \$65,000. This is the amounts negotiated as per animal taken to the shelter per year which averaged 1,000 animals however, this was any address that has the city as Belen and all the surrounding areas are

also considered Belen. This current fiscal year we will have a better count on the animals taken to the shelter.

Mayor Torres asked if there were any questions if none he so entertains a motion. Councilor David Lopez made a motion to accept. Councilor Terese Ulivarri seconds the motion, motion carried.

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF VALENCIA AND THE CITY OF BELEN FOR THE BELEN SENIOR CENTER:

Vangie Gabaldon

Mayor Ronnie Torres read the next agenda item on approval of a memorandum of understanding between the County of Valencia and the City of Belen for the Belen Senior Center as presented by Vangie Gabaldon who said “she is here to respectfully request approval of a memorandum of understanding between the County of Valencia and the City of Belen for the Belen which will allow for the commencement of certain renovations and improvements at the Belen Senior Center. As you all are aware the City of Belen owns the Center but the Valencia County Older Americans Program has operated the senior program at that site for quite a few years. In 2006 the Belen Senior Center received emergency funding to upgrade the kitchen replace obsolete kitchen equipment and to bring the kitchen fire suppressant system up to code. The improvements that were done at the time significantly improved the kitchen operations and have greatly improved the quality of the meals. We have quite a few more seniors that are attending the meal site program. Those numbers are beginning to increase daily. One of the things we could not do at the time was to do the renovation of the dish wash area and the implementation of the food service area. The funding that we have available now will allow us to take on those two components. The County intends to act as the project lead for the construction of the renovation so we will also employ and pay for the services of the engineers and the architects. We have had some preliminary discussion with Molzen Corbin & Associates they have actually given us a quote for the work and the County has agreed to allow us to piggyback on the contract that you have with Molzen Corbin & Associates which will allow us to get the project started sooner rather than going through the process of selecting an architect. We have approximately \$187,000 for the project and estimate that the project will take about \$125,000 to complete which leaves money for pertinent equipment and other things needed at the center. We certainly want to coordinate and collaborate with the City and representatives, we want the project to meet the needs of our senior programs certainly and also meet the needs of the city and we are very appreciative of use of the use of the facility for our program. So I would respectfully request that you approve this memorandum of understanding. I stand for questions”.

Councilor Terese Ulivarri asked if the architect fees were included in the price.

Councilor Rudy Jaramillo said “he has gone through the renovations of what they have done and moved walk in refrigerators from one are to another they have done tremendous wonders of the kitchen that its like you state the seniors are totally over whelmed for lunch”.

Councilor Wayne Gallegos added “as a member of Valencia County Senior Support Team we do see a lot of traffic going through there and it is not going to get any slower with the retiring community and the center is well tended to. It is the main facility for all the county to get the

food out and we also support a meals on wheels out of the center, this is needed and it is a win win situation and well needed.

Councilor David Lopez added “I represent the Community action program and that program works with the head starts and make sure that the kids have adequate health care and for lower income families and we work with the older American programs Joe Campos he says a lot of the problem the elderly have is to encourage them to leave their home and we do have a lot of activities for them and keep them active and an active person is a healthy person. I fully support this effort.

Mayor Torres asked if there were any questions if none he so entertains a motion. Councilor Terese Ulivarri made a motion to approve. Councilor Wayne Gallegos seconds the motion, motion carried.

APPROVAL OF A RESOLUTION PROMOTING HEALTHY LIVING: Mayor Ronnie Torres

Mayor Ronnie Torres read the next agenda item on approval of a resolution promoting healthy living and read the resolution aloud, a copy of which is attached hereto and made an integral part of these minutes by reference. Councilor Rudy Jaramillo moved to accept the resolution as presented. Councilor Terese Ulivarri seconds the motion, motion carried.

APPOINTMENT OF EX-OFFICIO TO THE VALENCIA COUNTY OLDER AMERICAN PROGRAM: Mayor Ronnie Torres

Mayor Ronnie Torres read the next agenda item on appointment of ex-officio to the Valencia County Older American Program and submitted the name of Wayne Gallegos for approval. Councilor Terese Ulivarri moved to approve. Councilor Rudy Jaramillo seconds the motion, motion carried.

INFORMATIONAL ITEMS:

COMMUNICATIONS FROM CITY COUNCIL:

Alexis Gutierrez: Nothing to report at this time

Councilor David Lopez: “I have been out of town for a while but I have talked to a lot of people about, like I said I work with the Community action program and this Saturday we will be going over all the fiscal year end and propose our non profit corporate report again and every year we have to ask for an extension because the way it is we have to spend every dime that you have before you can get any more funding. This weekend we will be going over the budget and the bylaws, there are about six or seven committees we will be going through in support of Valencia County and additional head start programs that the board represents. A gentleman of Arnold Luna passed away and if you can keep him and his family in prayer. That is all I have to report”.

Councilor Terese Ulivarri: “first of all I would like to thank the people that consider themselves citizens of the City of Belen but are not in our City limits for coming out and supporting something very vital to the county as a whole and thank you very much for coming out. We attended the dedication of the Health Office you need to go over there you are in for a treat it is really nice. When you work in a good environment you want to work better and those people always work well no matter where they are but not they have something to be proud of and there is room for people there now. I attended the Water Board Meeting and I was re-elected pending approval of the total COG board as the Chair once again. That is all I have to report.”

Mayor Ronnie Torres: “there are a couple of things, first of all is once again keep in your prayers all those people out there fighting fires, for their safety and for the peoples’ homes and friends out there. It is so scary for all the time I have lived here I have never saw that mountain on fire and the past two years I have seen it on fire twice and that is the weirdest thing to see especially when they say we are burning here in NM well what is burning, tumble weeds but we do have forest surrounding us. I would like to thank Jerah and all his efforts on getting a lot of you people here and his work on getting this hospital issue done. In case you are all wondering we do have a building that went down on Main Street, corner of Main and Reinken we have been working on that for probably a year if not longer, it did not happen overnight. I have talked with them and they are doing remediation taking out the dirt and gas tanks sometime in September, once that happens the property will go up for sale and I have heard that there area some offers on that but the property owner is wanting to lease it and developers want to buy. It is good that that building is down it was such an eyesore and we have heard that there may be some others coming down and that is good we are working on it, I would rather see an empty field than a boarded up building because it is easier to build a new building on an empty field. Thanks again to everyone for showing up in support of the hospital”.

Councilor Wayne Gallegos: “along the lines of the fire state forestry has passed 2008-01 a ban on a lot of the, what is permitted what is not, smoking, fireworks, campfires and things like that we need the state alert and do our part. I attended the ribbon cutting for the health office and it was nice to see that I was part of the process when we would go over there and give them the prior inspection at their place and their new place is nice on Becker you really should go and take a look at it, it is not just shots they have a lot of education going on there. I attended a part of the advisory for the library we worked on the collection development plan. It looks at the responsibilities for materials selection that goes out to the public and what is in the library it was interesting. They are going to have a Cinco De Mayo celebration with mariachis if you have not had a chance to go see the library you need to do so there is a coffee shop and a lot of interesting things in there. Friday and Saturday we had the great American clean up and I would like to thank all those that took part in it, special thanks to Tierra Bonita. We do have a recycling program that I feel we need to get out more information for the citizens of Belen on what you can throw and who can take it. I met with our tomorrow group and I was the guest speaker along with a lot of other people. I happen to have the agenda of the very first meeting which was held 4-13-07 that I attended and then I went to meeting #11 and they have come a long way and I think it is great if we can partnership and continue to support like tonight”.

Councilor Rudy Jaramillo: “same lines on the hospital again thank you folks for even, for the support of coming down to get with Jerah of our tomorrow and get behind us, and that is not just you there so many that I have had a meeting with the commissioners on Wednesday before the meeting that they had and I could not attend the meeting I had other things that I had coming, but

they are at odds for a lot of things but we are here in Belen working together for not just Belen but for Valencia County. The fire also that is a hard thing for people, our forest is going down, the homes that are right there near the hospital it is hard on them people and Wayne has worked around the fire for many times and those people work hard long hours and never concerned about their safety as much as they are for the safety of others that they are working on. All of us were there at the ribbon cutting, what they are having on Saturday, Mayor, on the beautification part of the city the Chamber of Commerce has brought some trees together and they are getting together as a group to plant these trees about 50 or so trees that they are trying to put within the area of the City of Belen, we definitely do need trees to make it look nicer, but that is what happens Saturday if anyone here wants to go help I am sure they would appreciate it. They are meeting at 9 in the morning at First State Bank and that's it".

Councilor Terese said "I have one more thing that I forgot in conjunction with the cleanup there has always been a call for recycling and since we had a recycling and took it out we are grandfathered in and since then it has been hard to get one back but we are looking for, we think we have found an area where we can do some more recycling started up again but that is in the work just so you know what is going on it has not fallen on deaf ears. We do see a need, people complain there is no money in recycling but that's not the point. You keep stuff out of the land fill because it is filling up fast. I was just told that Albuquerque by 2012 will have to close the landfill and find another location which looks like they will be throwing their trash at TriSect and the county will be taking in some of their trash. Those are some of the things that if we can keep some of our stuff out of the land fill and recycle we are better off as a planet.

ADJOURNMENT:

Mayor Ronnie Torres asked for a motion to adjourn tonight's meeting.

Councilor Rudy Jaramillo moved to adjourn this meeting. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

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Ronnie Torres, Mayor

ATTEST:

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Sally G. Garley, City Manager